WD2239.B490.

App.F.IX-4]

1924.

File No. 128-24

Previous References. (Courts)

Serial Nos. 1-8

Later references.

GENERAL & REVENUE SECRETARIAT

Serial Nos. 8.

Part B for June 1925

SUBJECT

Recovery of fine due from G. Venkata Rao, Convicted in Bangalore Sessions Case no. 13 of 22-23

P. 6797 dated 22/6/25. To. the D.M. Bangalore

States that the fine may be recovered under Sec 70 I.P.C. if the accused acquires any property within six years of the sentence passed.

8/7/25

G. R. S. III—1] 1924

GENERAL AND REVENUE SECRETARIAT.

(Cls.)

NOTES.

Cts. File No. 128 – 2

FILE HEADING.

Recovery of fine due from S. Venkata Rao convicted in Bangalore Sessions case No 13 of 22-23

From The District Magistrate, Bangalore Dt.

No. J.C. 266/23-24 Dated 8-9-24. Received 11-9-24

Diary No. 1189/5 Enclos. Spare Copies. Serial No.

BRIEF ABSTRACT OF LETTER.

States that, in the matter of recovery of fine of Rs 3000 due from S. Venkata Rao convicted in Bangalore Sessions case No 13 of 22-23, the City Magistrate has suggested the institution of a Civil Suit so that the immoveable property of the debtor may be proceeded against & requests that the Govt. Advocate

~~NOTES AND ORDERS.~~

may be instructed to take necessary action.

Notes and orders.

1) The Code of Criminal procedure provides for the recovery

NOTES—First Sheet

of fine ~~and~~ by distress and sale of the moveable property of the offender and there is no provision under the Mysore Code for proceeding against immoveable property. Such a provision has recently been made in British India.

20 Cal. 457.

(2) As no special form of remedy has been provided for proceeding against immoveable property, the normal remedy of obtaining a decree by means of a suit and bringing the properties to sale may perhaps be resorted to. But having regard to the trouble and worry of a suit and of the subsequent executing a decree, it is for consideration whether the offender may not be asked to sell the property by private negotiation & pay off the debt.

17-1. [illegible]

Serial No.

The accused has no moveable properties from distraining which the fine can be levied. But he has a house. But this cannot be dealt with as Sec 386 Cr. Pro. code does not allow it. The question then is whether the Govt can file a suit & ~~under~~ obtain a decree and then realise the decree amount by the sale of the house. The case reported in ILR 20 Cal 478 at page 481, seems to favour the view that the remedy by suit is not debarred in order to levy the fine, though that was a case in which the fine was sought ~~to~~ be levied after the death of the accused.

L.L. Secy

17/9

As the accused has written to the effect that he has no objection for the Govt to sell his house in Seshadripuram & ~~pay itself~~ adjust the amount due to Govt by the realization from the sale & pay his private debts out of the balance if any. That course may be followed & Public Prosecutor may be instructed to see the accused & arrange for the sale. If private negotiations fail, a suit might be instituted.

1st member

18/9

2600
18.9.24

The house must have prior encumbrances. Enquiries if necy to be made upon this point. No written [illegible] from the Sub Registrar's Office to [illegible] if it has no prior encumbrances or 2 / encumbrances the value

18.9

G

1189

G. R. S. III-2]

WD 2310—GPB—10,000—31-5-24

General and Revenue
Secretariat.

C/s File No. 128 of 1924-5

	Serial No.	
2600		of which leaves a sufficient margin for the recovery of this fine, I think the Distt. Magte instructed to the property attached before judgment.
		KW 27/9
		8 27/9
		8 27/9
S.K.M. 27/9		
	1	Draft appd Subd 30.9.24
		[illegible]
	7	28 1.10
	8)	appd 8 1.10.
		8 1.10
	2	To DM Bangalore No. 1768 d/ 2.10.24. Re recovery of the amt from the sale of the property of Venkata Rao Convicted in the session case.
81		
2/11		22/10/24
	9)	Subd. with a draft reminder for approval.
28/11 28/11	10)	8
		Issued no 2801 D 1-12-24

Note—Contn. sheet.

7370

2

File No. of 19 .

General and Revenue Secretariat.

Serial No.

From S. Venkata Rao Petn dated 6.12.24 - Prays for early orders regarding the adjustment of the sale proceeds of his house towards the fine.

Information is due from the Dist: Magistrate whether there are any prior encumbrances on the house & this is awaited. A remr has also been issued on the 18th.

LAV
6.12.24

Awaited.
9/12

From the D.M. Bangalore No. J.C. 244/24 dated 7.12.24 states that he would submit a detailed report on receipt of certain information called for from the Dt Supdt of Police.

Sub for perusal. The further report promised will be awaited.

LAV
11.12.24
A 11/12

yes
12/12

81
17/12

From the D.M. Bangalore No J.C. 244 dated 13.12.24 - Submits a copy of the Dt report of the District Superintendent of Police.

From the report it is seen that the house is not

NOTE—Contn. Sheet

Serial No.

encumbered. It is now reported to be under attachment in execution of a decree for Rs 21000 obtained by the Mysore Bank. Sale of the house has been fixed for some date in January next.

Submitted with reference to First Member's minutes at para 15.

15.12.24 Dy. Secy.

~~15/12 (1st Member)~~

20 / 15/12

Sd 17.12

S 18.12

4949 / 18.12.24

(16) L.L. Secretary will kindly note whether it is necessary to put a note.

19/12

Sd 19.12

S 19.12

(17) I regret that this file was mixed up in another file & in consequence I was unable to attend to it.

The question raised is an important one & may be stated as follows:-

(18) Whether a fine imposed on a convicted felon be recovered by attachment of immoveable property ~~[illegible]~~ if not so recovered, how it should be recovered.

It is clear that under the Criminal Procedure Code now in force in Mysore, the amount of fines can only be recovered from moveables & not from immoveables.

(19) In Br India an amendment has been made in 1923 & now this amount is recov. from immoveable property in Br India.

Next it is necessary to consider ~~wh~~ the steps necessary to be taken to recover this amount.

It is clear from the wording of Section 70 I.P.C., that the fine imposed under the provisions of Indian Penal Code is treated as a debt & is allowed to be levied at any time within six years after the passing of the sentence, & that the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

Cr. P. Code deals with adjective law & provides for the manner of levying ~~a debt~~ the fine. If the fine can be recovered out of moveables belonging to the convict, the Govt can do so ~~by very~~ by concise methods without recourse to Civil Court. If the fine cannot be realized out of ~~any~~ moveables; the obvious course to be followed ~~is~~ is to file a suit & obtain a decree on the ground that the ~~fata fine~~ imposition of the fine operates as a ~~first~~ judgment debt, in other words, the order of the magistrate creates the debt which in law ~~&~~ represents the compensation for the injury done by the offender & made payable to Govt which represent the public.

∴ In England, the amount awarded as compensation for any loss of property through or by means of a felony, ~~in~~ ~~continuation as~~ shall be ~~deemed to~~ be a judgment-debt & shall be recovered as a civil debt in the manner provided by the Summary Jurisdiction Acts [See Section 6. s.s. 5 of the Costs in Criminal Cases Act, 1908,]

" As regards fines imposed with the idea that the proceeds will go to the Crown,

General and Revenue
Secretariat.

File No. [illegible] of 19 .

Serial No.

these fines are recovered out of the goods & Chattels, Lands & Tenements by the Sheriff by ~~[illegible]~~ seizure & sale. [See the form of writ of fieri facias issued in case of fine imposed by High Court of Justice.]

In the present case, I am of opinion that a suit for the recovery of the fine of Rs 3000/- ~~has to be filed~~ will lie.

As to the expediency of such a course, it is necessary to ascertain whether ~~the Bank has~~ his house in Seshadripuram has already been sold for debt due to Mysore Bank. If not sold, a suit may at once be filed & attachment before judgment may be obtained.

If approved, the Public Prosecutor will be instructed to file a suit & obtain necessary orders –

1st Member

[illegible]
21-3

561/23.3

[illegible]
21-3

The house which is estimated at Rs 5000 is said to have been already attached & notified for sale by the Civil Court in execution of a decree for Rs 21,000 obtained by the Mysore Bank of [illegible]. In the circumstances, I do not see any use in first filing any suit for the recovery of the fine due to Govt from the [illegible] of the attachment & sale of the house; as there would be nothing left for [illegible] ~~[illegible]~~

NOTE–Contn. Sheet

APP. F. III—2]

B.424WD.

File No. [illegible] of 19 .

General and Revenue Secretariat.

Serial No.

~~[illegible]~~ from the Sale proceeds of the house after meeting the bona claim of the Nagpur Bank who have already got the same attached. The D.O. may be informed accordingly if the L & L Secy agrees in the above view

25/3

8/—
26/3.

4/
28/3

Subo. with a draft reply if

~~Sec~~
27/3/25

Subd: If the Govt obtains a decree the Govt may perhaps have priority under Sec 73 C.P.C. over the Nagpore Bank

[illegible]

2/4

It appears from the ~~Deputy~~ District ~~Commissioner's~~ Magistrate's letter that the Bank has already taken execution proceedings and that the sale of the property was to come off in January. Under the circumstances, filing a suit and obtaining a decree may not be

Please bring it in person with C.P.C. (Commentary)

3/4.

Serial No.

of much use, since by the time a decree is obtained, there may be nothing left to execute or touch for rateable distribution) There is, however, another way of getting at the sale-proceeds, if it is not already too late. From the letter of the District Magistrate (He says the property is attached and is proposed to be sold in execution) – it looks as if the property was not mortgaged to the Bank. If so, there is authority for issuing a warrant under Sec 386 Cr. Pro: Code for levy of the fine, and have precedence over the Bank, so long as the property is sold and the proceeds are still in the hands of the Court and not paid to the Bank. The moment the money is realised by Court, it becomes movable property, and till it is paid to the Bank, it still belongs to the party from whom the fine is to be levied. A fine is a Crown debt having precedence over other debts. It has been so held in 40 ~~Cal~~ Mad 767; 45 Cal 65; [illegible]; 39 Mad 376 &c. The sale proceeds are attachable under the Cr. Pro. Code, and the Crown has priority over others under Sec 73 of the Civ. Pro. code.

vi) I would propose therefore that enquiries may be made at once as to whether the property is sold, and whether the Bank is already paid. If the money is not paid yet to the Bank, or if the sale is yet to come off, a warrant for the levy of the fine may be obtained & kept ready & as soon as the sale is over or if the money is still in Court, to serve the warrant on the Court & take the money. If the property was mortgaged to the Bank, and that in what is known as the English or simple form of mortgage, where the property passes to the mortgagee, the case would be different. Enquiries may be made & action taken as suggested, if there is still time.

Lt L Secy)

Chg 38/4

[illegible]) There are two ways of recovering the fine & one is to file a suit & obtain a decree & also recover the debt out of immoveable property & the other is to wait until the amount is realized by execution of the decree obtained by the Bank.

In the latter case the warrant may be executed by attachment of the money when deposited into Court. This course is simple if the Bank has not taken mortgage of the property.

Serial No.	
	If the Bank has ~~secured~~ taken a mortgage & if the amount available is ~~[illegible]~~ more than sufficient, then the warrant may be executed without filing a suit. ~~Hence D.O. has to satisfy himself on these points & take action accordingly~~ ~~1st member~~
	30/4 31) The D.O. may be instructed to attach the money (sale proceeds) in case the money is in Court. He may consult the Public Prosecutor. 1st member
9/1.5	30/4 Cal 3/5/4
	32) The D.O. may be asked to enquire (1) ~~if the house has been sold~~ if the property was sold by the Court in Jan '25 as reported, if so, what amount was realised & how it was dealt with. It may also be ascertained if the Bank's decree is only a money decree.
	or if the house was mortgaged to the Bank and ~~[illegible]~~ to satisfy the decree
	33) If the amount realised from sale of the house has not yet been paid to the Bank by the Court, the D.O. may be asked to ~~write to~~ attach it for the ~~[illegible]~~ dues to the accused & ~~the Govt~~ write to the Court ~~to hold it until~~ accordingly. ~~[illegible]~~
	34) The draft may be [illegible] of the [illegible] [illegible] submitted for my approval when duly [illegible] 12/5 12/5

NOTE—Contn. Sheet

U/364 14.5 1st member) 31 10/5

A draft is put up for consideration.
Issue 16/5

14/5
14/5

APP. F. III-21 5056 B.424WD.31

File No. 2629 of 19 .

General and Revenue
Secretariat.

	Serial No.	
To. The D. M. Bangalore P. 6352 dated 16.5.25. Called for further information in the matter of the recovery of fine imposed on the accused G. Venkata Rao and requests that if no sale has yet taken place or if the sale proceeds are still in deposit, an attachment of the sale of proceeds under a fine warrant obtained for the levy of the fine imposed on G. Venkata Rao	6.	~~sent~~ 25/5
From The D. M. Bangalore No J. C. 244 of 23-5-25 States that the Bank obtained a money decree & that the Bank has purchased Venkata Rao's house in execution of the decree and that no amount has been deposited in court. Subd. with reference to para 32. supra. The Bank has been prompt. Subd for perusal 26/5 L & L Secy Cog 26/5 6 40/27.5 What is the further course to be adopted. This [illegible] ~~[illegible]~~ [illegible] a suitable [illegible]	9.	[illegible] put up [illegible] 27/5

5058

G. R. S. III-21

General and Revenue
Secretariat.

File No. of 19 .

Serial No.

This file relates to the ~~to~~ recovery of the fine imposed on G Venkata Rao, when he was convicted. The Distt Magistrate when attempting to recover the fine, found that the accused had only a house, and requested Govt to instruct the Govt Advocate to file a suit and proceed against the house.

Attempts to get at the house without filing a suit have not been successful and the house itself is now the property of the Bank. The accused has no other property – immovable or movable – left, and there is nothing to proceed against. As no further action could be suggested, the file was subd for perusal. If within Six years of the sentence passed, ~~[illegible]~~ the accused acquires any property — &c, after his release – the fine can still be recovered. That is a contingency that may be kept in view. As the file started on a reference of the Distt Magistrate, he may perhaps be informed accordingly.

Ind. Penal Code. Sec 70.

L.H. Secy
12th [illegible]

44
3.6

Yes This may be done

11/6

11.6 8/11.6

[illegible]
[illegible]

84
3-6
28
3-6

NOTE—Contn. sheet.

25-8-49 5056

P.C. 1280/24

Sub. with a draft to the Dt. Magt. Bangalore

S.C.
17/6/25

Done
cay
1376

To. the D.M. Bangalore 8

P. 6797 dated 27.6/25.

~~States~~ r.w. refce. to letter no. J.C. 244/24-9- dated 22/5/25. States that the fine may be recovered under sec. 70. I.P.C. if the accused acquires any property within six years of the sentence passed and this may be kept in view so that necessary action may be taken if the accused acquires any property within the said period after his release and

N. of the records [illegible]

29/6

held: Under the Penal Code, 70), the fine may be levied at any time within 6 years after the passing of the sentence, and if, under the sentence, the offender is liable to imprisonment for more than 6 years, then at any time previous to the expiration of that period, and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts. The Criminal Procedure Code provides in Sec. 386 that the Court passing the sentence may in its discretion issue a warrant for the levy of the amount by distress & sale of any ~~im~~movable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

The question for consideration is whether under the provisions of the

Serial No.

Code, immovable property can be proceeded against for recovering the fine and if so how & by what process.

From the Penal Code it is clear that on the death of the convicted person the fine may be recovered ~~by proceeding~~ out of any property which would be legally liable for his debts so that in the hands of the heirs of the deceased moveable & immovable property could be proceeded against. So far as process against moveable property is concerned the legislature has enacted in Sec. 386 Cr: Pro: Code that it may be distrained & sold. While the substantive provisions of the Penal Code authorise the levy of fine from out of immovable property no specific procedure has been prescribed for proceeding against these. In the absence of any such procedure, the High Courts have held that the normal remedy of a suit must be the only one. XX Cal 382.

The conclusion from the above is that on the death of

Serial No.

the convict. all the property of the deceased, moveable & immoveable (liable for his debts) is liable. moveable property may be distrained & sold under Sec. 386 Cr: P.C & that immoveable property may be reached at by means of a Suit & civil processes.

It can not perhaps be argued that because no mention has been made of process against immoveable property, such property can not be in any circumstance be proceeded against, for then it would follow that the person committing the crime & liable for the fine would be in a better position than his heirs in that immoveable property in his hands would be safe but liable in his heirs' hands. This would certainly not have been

Serial No.

the intention of the legislature. The convict equally with if not more than his heirs should be deemed to be responsible & immoveable property should be liable in his hands also. The Cr. Pro. Code provides for the moveable property being distrained & sold. How should the immoveable property be got at for executing the fine. The normal remedy of a suit as in the other case would apply here also. This view finds support in Mr. T. Rangachari's observations in the Legislative Assembly on 8.2.23 (Vide page 2054 of Proceedings).

Possibly it may be argued per contra that the legislature in providing for a sentence of imprisonment in default of payment of fine regarded this sentence as deterrent enough to make the convict to pay the fine by some means or other, if need be by disposal of immoveable properties also &

Serial No.

thus deliberately omitted all reference to immoveable property during his life time, while such a provision was necessary in the case of heirs as otherwise there was no prospect of recovering the fine from them. But this argument can not be pushed far as if that was the intention of the legislature it could have absolved even moveable property during the life time of the convict.

It seems therefore that a suit will lie & is the only means of proceeding against immoveable property. If the law is amended on the lines in British India, cases like the one in question will not arise

26.12.

22436 [illegible] 21

CB 128-24-1.

From

The District Magistrate

Bangalore Dist.

S/10-9

To the Secretary to the

Govt of Mysore Local

and Legislative Depts

Bangalore

Dated 6-9-24

Despd 8-9-24

No. JC 244 of 23/24 Encls:- 1 sheet & 1 file

Subject

Re execution of Fine

Levy warrant.

9 - SEP. 1924

D. SECTION

1189
P

Office of the District Magistrate,
Bangalore District,
Dated Bangalore, 6th September 1924.

From

The District Magistrate,
Bangalore District.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Local & Legislative Departments,
BANGALORE.

Sir,

In forwarding herewith the records ending with Bangalore City Magistrate's No.175 dated the 1st September 1924, I have the honor to state that the accused G. Venkata Rao was convicted under Sections 467, 471, 468 and 477 (a) Indian Penal Code on 10th August 1923 in Bangalore Sessions Case No.13 of 22-23 on the file of the Assistant Sessions Judge, Bangalore, and was sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.3,000/- in default to undergo an additional period of R.I. for six months. In order to realise the fine amount, the warrant for levy of the fine issued by the Assistant Sessions Judge was forwarded to the District Superintendent of Police, Bangalore, for execution and it is reported by him that the warrantee owns a house in Seshadripuram, Bangalore City, worth about Rs.3,000/- and that he owns no moveable properties. The warrantee has written from the Central Jail urging for the sale of the house by Government and adjustment of the sale proceeds towards the fine and for payment of the balance if any towards his private debt of Rs.3,000/-. The City Magistrate suggests in his report referred to above, that in order to proceed against the immovable property it is necessary to institute a Civil Suit.

I therefore request that you will kindly obtain the sanction of Government instructing the Government Advocate to take necessary action in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

District Magistrate,
Bangalore District.

G. R. S. VI-G-32] B50—WD 0527

SUBJECT ✓

Diary No. of letter replied to

Confidential

Section Cts

File No. 128-24

Serial No. 2

General and Revenue Secretariat

( )

, the *192* .

No. 81768

Date of issue 2/10/24

Signed by M. T. S.

To

The D.M.

Bangalore

Sir,

With reference to your letter No. F.S. 244 of 23-24 dated 8.9.24 regarding the execution of the fine warrant against S. Venkata Rao convicted in Bangalore Sessions Case No 13 of 1922-23, on the file of the Asst. Sessions Judge Bangalore, I am directed to state that enquiries may be made whether the house of the ~~warrantee~~ accused has any

over

2/10

prior encumbrances, and if
so to what extent. I am to
add that if the existing encumbrances
if any leave a sufficient
margin for the recovery of the
fine, then a suit may be
instituted and the property
attached before judgment.
Necessary action may be
taken at once & the result of enquiries
reported to Govt. so that
the Public Prosecutor may
be instructed to take steps
to file a suit. ~~if~~

I have etc

Sd/ 1/10 Ch Secy

LOCAL AND LEGISLATIVE SECRETARIAT
III
6 DEC 1924
PROTECTION BRANCH
25370

2476 26

P

Cls 128-24-3

To,

The Chief Secretary to
the Govt of His Highness the Maharaja
of Mysore · Bangalore

Refr. Sessions Case No 13 of 1922-23 on the file of
the Adl: Sessions Judge Bangalore Division
Bangalore.

6 - DEC. 1924
P

Sir,

I the undersigned G. Venkatarao accused in the above case begs to submit the following few lines for your kind consideration and for favourable orders -

On the 4th August 1924 I have sent an application to the Registrar of the Chief Court in Mysore Bangalore (copy of which enclosed herewith) requesting to adjust my fine amount of Rs 3000/- due to the Govt out of the sale proceeds of my own house situated at 2nd Main Road Seshadripuram Bangalore, for this I got a reply from the said Chief Court (copy enclosed herewith) stating that my application has been sent to the District Magistrate Bangalore Dt Bangalore for needful action, further vide District Magistrate Bangalore District Bangalore Letter No. J.C. 244/23.24 (copy of which enclosed herewith) dated 8/11 - November 1924 I understand that the subject is still pending in the Govt.

As I am very anxious to see that my fine amount is adjusted I pray your honour to kindly cause to effect the sale of my house and adjust the fine amount due to the Govt at an early date

I beg to remain,
Sir,
Your most obedient servant.
(R.No 769)
4.12.24.

Signed before me
Chief Jailor T.Q.

No 1421/P.

Forwarded to the Chief Secy to the Govt of Mysore for favour of disposal.

B Krishnamurthy
for Superintendent
B'lc Jail

Copy of the application sent to the Chief Court in Mysore - Bangalore on the 4-8-1924 by G. Venkatarao, through the Superintendent, Central Jail Bangalore.

To,

The Registrar of
the Chief Court in Mysore
Bangalore.

Refr: Sessions Case No. 13 of 1922-23 in the file of
the Asst: Sessions Judge's Court Bangalore.

Respected Sir,

I beg to inform you that I had requested the Assistant Sessions Judge Bangalore in my letter of the 4th ultimo to effect the sale of my own house situated at 2nd Main Road Seshadripuram Bangalore and adjust the fine amount of Rs 3000/- due by me to the Govt out of the sale proceeds but I have not as yet received any reply to my letter, therefore, I request your honour will kindly arrange now atleast for an immediate sale of my house and adjust my fine amount due to the Govt for which I shall be ever thankful.

I beg to remain
Sir,
Your most obedient servant.

4/8/1924.

Copy of the letter No. 153/2 from the Chief Court in Mysore Bangalore received on 22/23-8-1924.

From,
A. Srinivasaraghavachari Esq B.A., B.L.,
Registrar Chief Court of Mysore
Bangalore

Continued

To,

The District Magistrate.
Bangalore District.
Bangalore.

Date 22/23·8·24.
G/No. 501.

Has the honour to forward for needful action a letter from one G. Venkatarao accused in Sessions Case No. 13 of 1922-23 on the file of the Assistant Sessions Judge Bangalore received through the Superintendent Central Jail Bangalore with his No. 1307/P dated 4th inst.

Sd/- ——
Registrar.

Copy of letter No. G.C 244/23·24 dated 8/11-11·24. received from the District Magistrate Bangalore Dt. Bangalore.

From,

The District Magistrate
Bangalore Dt.
Bangalore

To,

The Superintendent,
Central Jail
Bangalore

Date 8·11·24.
Despatched 11·11·24.
G/No. G.C 244/23·24.

Refr: His No. 1385/P dated 4th November 1924 regarding the petition of prisoner No. 769 G. Venkatarao of his jail.

Has the honour to state that the connected papers have been submitted to Govt and a reply will be sent to him as soon as the papers are received back from the Govt.

Sd ——
District Magistrate
Bangalore Dt.
Bangalore.

LOCAL AND LEGISLATIVE SECRETARIAT
III

2476. 2570

Cb 128—24-4

Confidential.

No. G.C. 244
24.25

Office of the District Magistrate,
Bangalore District.
Dated Camp Channapatna, 7th Dec. 1924.

8/9-12

From
B. Venkoba Rao, Esq., B.A.,
District Magistrate, Bangalore District.

To
B. Nagappa, Esq., Bar-at-law,
Secretary to the Government of His Highness
the Maharaja of Mysore, Local and Legislative
Departments.

Sir,

With reference to your letter No.P.1788 dated 2nd Oct. 1924 and to the subsequent reminder No.P.2801/Cts. dated 1st instant re the house of prisoner G. Venkata Rao, I have the honour to state that on a reference to the District Superintendent of Police, he made enquiries and submitted a report. As this report did not contain full information on the subject, it was returned to the District Superintendent of Police for further enquiry and report. The District Superintendent of Police states in his letter No.C.C.25/24-25 dated 6th instant that he is awaiting the report of the Assistant Superintendent of Police, Bangalore City and he would submit it as soon as it is received. I shall submit a detailed report on receipt of the reply from the District Superintendent of Police.

I have the honour to be,
Sir,
Your most obedient servant,

B Venkoba Rao
District Magistrate, Bangalore District.

CAL AND LEGISLATIVE SECRETARIAT
III
PROTECTION BRANCH

2629 30

C6/128-24 P5

Confidential. Office of the District Magistrate,
Bangalore District.

No. J.C.244 Encls. 2
24.25

Dated Camp Channapatna, 13th Dec. 1924.

From

B. Venkoba Rao, Esq., B.A.,
District Magistrate, Bangalore District.

To

B. Nagappa, Esq., Bar-at-law,
Secretary to the Government of His Highness
the Maharaja of Mysore, Local and Legislative Depts.

8-d 15/12

18/12

Sir,

In continuation of my confidential letter No.J.C.244/24-25 dated 7th instant re the house of prisoner G. Venkata Rao, I have the honour to submit herewith a copy of report No.N.Dis.556 dated 10th December 1924 from the Assistant Superintendent of Police, Bangalore City, together with copies of its enclosures stating that the Mysore Bank obtained a decree against G. Venkata Rao for Rs.21,000/- in September 1924, that his house at Seshadripuram was attached by the District Judge's Court in execution of the decree (O.S.No.22 of 23-24) and that the sale of the house is posted to January 1925. It is reported that the house is expected to fetch about Rs.5,000/-.

I have the honour to be,
Sir,
Your most obedient servant,

B Venkoba Rao
District Magistrate, Bangalore District.

(Copies of Enclosures.)

Encl.No.1.

Submitted.

I beg to report from enquiries made it is learnt that the Mysore Bank filed a suit against G.Venkata Rao and obtained a decree against him for Rs.21,000/- in September 1924. G. Venkata Rao's house at Seshadripuram has been attached by the Court and will be put up for auction early next month. The house which is now under attachment is expected to realise Rs.5,000/-.~~Rs.5000/-~~. There is no other source except this house that further money towards the decree could be expected.

The father's name of G.Venkata Rao is Varthanna.

Sd. Wynne.
A.Division Inspector. 26-11-24.

Submitted.

The Civil case was filed in the Court of the District Judge, Bangalore City (O.S.No.22 of 23-24). The sale of his house at Seshadripuram has been adjourned to January 1925.

Sd. Wynne.
A.Division Inspector. 10-12-1924.

Encl.No.2.

Submitted.

Beg to state that I looked into the necessary registers in the Sub Registrar's Office, Bangalore, as per orders on 27-11-24 with regard to the transaction of G.Venkata Rao in connection with his house No.129 and No.130 at Seshadripuram.

In Vol.No.81 page No.6 there is an entry to the effect that Mr. K. S. Ramier executed a sale document for Rs.1200/- to G. Venkata Rao on 20-2-22 in the matter of property Municipal No.92 vacant site. And there is no further transaction with regard to above property. On verifying in Municipal Office the above vacant site No.92 tallies with door No.130. In the Revenue Branch in Municipal Office the Shanbhog is showing both door Nos.129 and 130 in the name of above Venkata Rao but in the accounts branch in

Municipal Office only No.130 is shown to the site No.92.

5-12-1924. Sd. B. Narayana Iyengar.
Sub Inspector.

Copy

B Venkoba Rao

[illegible] District Magistrate, Bangalore District.

Confidential.

No.N.Dis.556.

Returned to District Superintendent of Police, Bangalore District with the following information.

The A.Division Inspector who had been directed to make further enquiries in the matter reports that the Mysore Bank obtained a decree against G. Venkata Rao for Rs.21,000/- in September 1924 and his house at Seshadripuram was attached by the District Judge's Court in execution of the decree (O.S.No.22 of 23-24) and the sale of the house is posted to January 1925. The house under attachment is expected to fetch about Rs.5,000/-. His report is enclosed for kind perusal.

Sub Inspector B. Narayana Iyengar had been deputed to look up the records of the Bangalore Sub Registry Office to find out if the house in question had any previous encumbrances. A letter had also been written to the Sub Registrar to allow all facilities to be given to the Sub Inspector. His report in original is enclosed for kind perusal, which shows that Venkata Rao purchased site No.92 of Seshadripuram from K.S.Ramier on 20-2-22 and the present house standing on it bears No.130. He has also seen Municipal accounts. His detailed report may kindly be perused. It is reported that there are no further transactions found in the books re this property since 20-2-22.

Sd. K. Mahamad Hussain,
Assistant Superintendent of Police, Bangalore City.

N.Dis.on C.C.25/24-25.

Submitted to the Deputy Commissioner with reference to his No.J.C.244 dated 23rd November 1924.

Sd. C.Krishna Rao.
Dist.Superintendent of Police.

12-12-1924.

Copy

District Magistrate, BangaloreDt.

G. R. S. VI-G-32]

B50—WD 0527

SUBJECT

Confidential + Immediate

Diary No. of letter replied to

Section Cts

File No. 128—24

Serial No. 65

General and Revenue Secretariat

( )

, the 192

No. 6352 ~~6582~~

Date of issue 16/5/25

Signed by M. CAG

To

The District Magistrate,
Bangalore

Sir,

With reference to correspondence ending with your letter No J.C. 244/24-25 of 13-12-1924 in the matter of the recovery of fine imposed on G. Venkata Rau, accused in the Bangalore Sessions Case No 13 of 1922-23, I am directed to request you to ascertain immediately whether the property of the accused was mortgaged to the ~~Bank~~ Mysore Bank, or whether the decree obtained by the latter is a mere money-decree, and whether the property is already sold in execution of the decree, and if so, how the sale-process have

over

been dealt with. If no sale has yet taken place, or if the sale-proceeds are still in deposit in Court, I am to request you to attach the sale-proceeds under a fine warrant obtained under Sec 386 of the Code of Criminal procedure, for the levy of the fine imposed on G. Venkata Rau, ~~writing to the Court in the meanwhile (Confidentially) to withhold payment to the Bank.~~

I have &c

Ltd Secy

dy 15/3

Cur 14/5

5056 38

CONFIDENTIAL &
IMMEDIATE.

Office of the District Magistrate,
Bangalore District,
Bangalore, dated, ~~22nd~~ 23rd May 1925.

No. J.C.244 Incl. one
24-25

Cts 128-24-7

From

B. Venkoba Rao, Esqr., B.A.,
District Magistrate,
Bangalore District.

To

B. Nagappa, Esqr., Bar-at-law,
Secretary to the Government of
H.H. the Maharaja of Mysore,
Local and Legislative Departments,
Bangalore.

Sir,

With reference to your letter No.P.6352/Cts.128-24 dated 16th May 1925 about the recovery of fine imposed on G. Venkata Rao, accused in Bangalore Sessions Case No. 13 of 22-23, I have the honour to state that immediately on receipt of your communication, the District and Sessions Judge of Bangalore was requested to furnish the information called for by you. The District Judge states in his D.O. No.28 dated 19/20th May 1925 that the Bank of Mysore obtained a money-decree against G.Venkata Rao in his Court, that in execution thereof the defendent's house was brought for sale and was purchased for Rs.4250/- on 9th January 1925, that the sale was confirmed on 13th ~~January~~ February 1925 and that the property was delivered over to the Bank on 7th May 1925. It is further stated by the District Judge that as the amount realized by sale of the house was considerably less than the amount due to the Bank under the decree, no amount was deposited in Court. A copy of the letter of the District Judge is enclosed for the information of Government.

25/5

25/5

Law 25/5

I have the honour to be,
Sir,
Your most obedient servant,

B Venkoba Rao

District Magistrate, Bangalore District.

D.O. letter No.28 dated 19th/20th May 1925 from the District Judge, Bangalore Division, to the District Magistrate, Bangalore District.

Your confidential letter No.J.C.244 of 24-25 dated 18th/19th May 1925. The Bank of Mysore obtained a money decree against G. Venkata Rao in O.S. No.22 of 23-24 on the file of this Court; and in execution thereof in Execution case No.13 of 24-25 brought the defendant's house for sale and purchased it for Rs.4250/- on 9th January 1925. The sale was confirmed on 13-2-1925 and the property was delivered over to the Bank on 7th May 1925. As the amount realised by the sale of the house was considerably less than the amount due to the Bank under the decree, no amount was deposited in Court.

"Copy".

District Magistrate, Bangalore Dt.

App.F.VI-G1.]

SUBJECT

Section C.

File No. 128-24

Serial No. 8

Diary No. of letter replied to

No. 6797

General and Revenue Secretariat
( ).
, the 192

To
The Dt. Magte.
Bangalore

Date of issue 22/6/25

Signed by

Sir,

With reference to correspondence ending with your letter No Jc 244/24-25 of 22-5-25. Re the recovery of the fine imposed on G. Venkata Rao in Bangalore Sessions case No 13 of 1923 I am directed to state that under S. 70 of the I. P. C the fine may be recovered if the accused [illegible]

List of enclosures

Copied by

Examined by

over

property within six years of the sentence passed and this may be kept in view so that necessary action may be taken if the accused acquires any property within the said period after his release. The records received with your office letter No J.C 2448 6-9-24 J Branch. are herewith returned.

ced
13.6 For L & L Secy

12/6.